

Surface Mining Reclamation and Enforcement, Interior

§ 946.15

§ 946.12 State program provisions and amendments disapproved.

(a) The following provisions are disapproved effective April 22, 1983: Paragraphs 3.01(a)(1), 3.01(a)(4) and 3.01 (a)(5) of the Virginia Coal Surface Mining and Reclamation Regulations for Operations Disturbing Two Surface Acres or Less.

(b) The following provisions of the coal surface mining reclamation regulations promulgated pursuant to Chapter 19, Title 45.1 of the Code of Virginia (1950), as submitted on November 8, 1985, as hereby disapproved:

(1) The definition of "affected area" in section 480-03-19.700.5 to the extent that it could be interpreted as excluding all public roads with more than incidental public use;

(2) Section 480-03-19.761.11(h), which prohibits mining on certain Federal lands, in its entirety; and

[50 FR 32851, Aug. 15, 1985, as amended at 51 FR 42554, Nov. 25, 1986; 52 FR 26973, July 17, 1987]

§ 946.13 State program provisions set aside.

(a) Paragraphs 3.01(a)(1), 3.01(a)(4) and 3.01(a)(5) of the Virginia Coal Surface Mining and Reclamation Regulations for Operations Disturbing Two Surface Acres or Less are inconsistent with and less effective than the Federal provisions for the two-acre exemption and are set aside in their entirety under the provisions of section 505(b) of the Surface Mining Control and Reclamation Act of 1977.

(b) [Reserved]

[50 FR 32851, Aug. 15, 1985]

§ 946.15 Approval of Virginia regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
January 28, 1982	July 21, 1982	Virginia's revised policy statement granting authority to field inspectors to issue cessation orders for imminent danger or harm.
July 9, 1982	August 19, 1982	VA Code § 33.1-246.1; V816.150, V817.150.
July 8, 1982	September 21, 1982	VA Code §§ 45.1-270.1 through .7; V808.15, V809, reference changes to remainder of Subchapter VJ.
August 13, 1982	December 13, 1982	VA Code § 45.1-235(C); conditions (a) through (j), (l) through (p), (s).
September 30, 1982	January 18, 1983	§ V809.
December 20, 1982	February 28, 1983	§ V809.11.
March 22, 1983	April 21, 1983, June 6 and 20, 1983.	VA Code §§ 45.1-234, 240, 249, 251.
July 9, 1982	April 22, 1983	Chapter 23 of Title 45.
May 20, 1983	December 27, 1983	VA Code §§ 45.1-270.2 through .4; Part V809.
July 27, 1983	March 16, 1984	Coal haul road policy.
February 10, 1984	May 8, 1984	§ V786.19(o).
April 11, 1984	August 2, 1984	Subchapter VM Part V850—Blaster certification program; §§ V816/817.61(c); Chapter 230 of the 1984 Acts of Assembly; and all other items.
June 13, 1984	August 31, 1984	Chapter 590 of the 1984 Acts of Assembly to revise various Sections of Title 45.
February 20, 1985	May 8, 1985	VA Code §§ 45.1-244, 369.1.
May 1985	August 15, 1985	VA Code §§ 45.1-364, 364.1.
September 4, 1985	November 18, 1985	V700.5—definitions of "coal preparation or coal processing," "coal preparation plant".
November 8, 1985	November 25, 1986	VR 480-03-19: 700 through 850; techniques for measuring revegetation success; applications for a permit revision.
March 20, 1987	July 17, 1987	VR 480-03-19: 784.20(f)(2); 817.121(c)(2).
January 16, 1987	August 17, 1987	VR 480-03-19.801.13(a)(2), .17(a).
June 15, 1987, July 2, 1987.	December 31, 1987	VA Code §§ 45.1-270.3:1, .4, .5:1, .6B; VR 480-03-19.801.12(a).
September 1, 1987	March 7, 1988	VR 480-13-19.789.1(e); measurement techniques for determining ground cover on small areas; sampling techniques for measuring productivity of grazing land, pasture land, and crop land; VR 480-03-19: .843.15, .845.17(b), .18(b)(1).
September 10, 1987	June 16, 1988	VR 480-03-19: 700.5 defining "abatement plan," "actual improvement," "baseline pollution load," "best professional judgment," "best technology," "pollution abatement area;" 785.19; 825.

§ 946.16

30 CFR Ch. VII (7–1–01 Edition)

Original amendment submission date	Date of final publication	Citation/description
June 30, 1989	December 1, 1989 ..	VR 480–03–19: 700.11; 764.15, 773.15; 779.19, .20; 780.14, .16; 783.19, .20; 784.20, .21; 785.14; 801.17; 816.97; 817.97; 840.11; 846, .2, .12; 846.14, .17, .18.
July 5, 1989	February 2, 1990	VA Code §§ 45.1–270.2, .3.
April 6, 1988	February 5, 1990	VR 480–03–19: 700.5; 772.12(b)(8)(iv); 773.12, .15(c)(11), (12); 779.12(b), .24(j); .780.31; 783.12(b), .24(j); 784.17; 785.13(b)(2), .14(c)(1), .16(a)(1); 800.52; 816/817.116(b)(3)(v)(C); 842.15(d); 843.12(j), .13(f); revegetation success standard.
August 31, 1990	December 7, 1990 ..	VA Code § 45.1–270.4:1.
September 12, 1990	December 26, 1990 ..	VR 480–03–19: 784.20; 817.121.
June 29, 1990	January 4, 1991	VR 480–03–19: 700.5; 773.15, .17, .20, .21; 778.13, .14; 843.11, .13.
April 5, 1991, May 1, 1991	August 5, 1991	VR 480–03–19: 801.11(a), .12(a), (b), (g), .14(a) through (d), .15(a); VA Code §§ 45.1–261.1, 270.3, .3:1, .4, 4:1.
October 1, 1990	July 7, 1992	VR 480–03–19: 700.5 definitions—“Road,” “Support Facilities,” .11(a), (4), (d); 701.11(a) through (c); 702.5 defining Exemption for Coal Extraction Incidental to the Extraction of Other Minerals, .11 through .18; 772.11(a), (b)(3), .12(a), (b)(3), (d), .14(a), (b); 773.11(a); 780.25(c), .37(a) through (e), .38; 784.16(c), .24(a) through (e), .30; 785.17(e)(5), .21(a); 800.60(b); 815.2, .15(b); 816.46(c)(2), .49(a)(1), (3)(i), (5), (8), (9), (b)(7), (c)(2), .84(b)(2), (f), .116(b)(3)(i), (ii), (iv)(C), (c)(2), .150(a) through .150(e), (f)(1), .151(a)(1), (2), (c), (d)(1), (2), (4), (5), (6); 817.46(c)(2), .49(a)(1), (3)(i), (5), (8), (9), (b)(7), (c)(2), .84(b)(2), (f), .116(b)(3)(i), (ii), (iv)(C), (v)(C), (c)(2), .150(a) through (e), (f)(1), .151(a), (c), (d)(1), (2), (4), (5), (6); 823.11(b), .12(c)(2), .14(d); 827.1; 843.11(a)(2).
May 6, 1993	September 24, 1993 ..	VA Code §§ 45.1–243, –258.
October 22, 1993	September 27, 1994 ..	VR 480–03–19.816/817: .49(a)(3)(ii), .116(b)(3)(v)(A), (c)(3), .151(b), .152.
October 31, 1994	August 8, 1995	VR 480–03–19.816/817.102(e)(1), (2).
October 13, 1995	May 29, 1996	VR 480–03–19.816.102(e), .817.102(e).
April 17, 1996	August 19, 1996	VA Code § 45.1–243B; VR 480–03–19.784.14(g); 817.41(i)(3), (i)(3)(i), (ii).
May 28, 1996	September 4, 1996 ..	VA 480–03–19.700.5 concerning definitions of “Lands eligible for remaining,” “Un-anticipated event or condition,” 773.15(b)(4), (c)(14); 785.25; 816/817.116(c)(2)(i), (ii).
May 21, 1996	September 17, 1997, and November 12, 1997.	VA Code §§ 480–03–19.700.5; 784.14, 20; 817.41, 121.
December 1, 1997	June 24, 1998	VA Code Sections 701.5; 779.22 [deletion], .25(k) [deletion]; 780.23, .25(a), (a)(2)(a)(3), (b), (c)(3), (f), 35(b); 783.25(k) [deletion]; 784.15, .16(a), (a)(2), (a)(3), (b), (c)(3), (f), .23(c); 800.40(a)(3); 816.46(a)(2), (b)(3), (b)(5), (c)(2), .49(a)(1), (a)(4)(i) & (ii), (5), (6), (9), (11), (c)(2), .74(a) through (g), .81(a), (c)(3) [deletion], .89(d) [deletion], .104, .105; 817.46(a)(2), (b)(3), (b)(5), (c)(2), .49(a)(1), (a)(4)(i) & (ii), (5), (6), (9), (11), (c)(2), .74(a) through (g), .81(a), (c)(3) [deletion], .89(d) [deletion]; 840.11(f)(2) & (g)(4), (h); 843.14(a)(2); 845.17(b) through (b)(2)(ii), .18(a), (b) through (b)(3)(ii), (d)(1) & (2), .19(a) and 846.17(b)(3) [deletion] and (c).
July 31, 1997	May 3, 1999	Code of Virginia at § 45.1–241(C) concerning letter of credit.
November 17, 1998 ..	December 13, 1999 ..	Policy clarification for implementing 4 VAC 25–130–774.13(d).
August 2, 1999	December 27, 1999 ..	Statute: 45.1–235 C of the Code of Virginia. Regulations: 4 VAC 25–130–700.5; 795.1; 795.6(a)(2); 795.7(e)(2) [deleted], and (e)(5) [deleted]; 795.8(a) and (b); 795.9(a), (b)(1) through (b)(6); 795.10(a)(5), (b), (c) [deleted] and (d) [deleted]; 795.11(b); 795.12(a), (a)(2), (a)(3), (b) [deleted], and (c) [deleted].
November 24, 1998 ..	February 7, 2000	Policy clarification for implementing 4 VAC 25–130–816/817.76.
June 27, 2000	November 2, 2000 ..	4 VAC 25–130–784.20(a)(3) amended and suspended in part; 817.121(c)(4)(i) through (iv) suspended and deleted.

[62 FR 9956, Mar. 5, 1997, as amended at 62 FR 60660, Nov. 12, 1997; 63 FR 34286, June 24, 1998; 64 FR 23544, May 3, 1999; 64 FR 69402, Dec. 13, 1999; 64 FR 72280, Dec. 27, 1999; 65 FR 5784, Feb. 7, 2000; 65 FR 65782, Nov. 2, 2000]

§ 946.16 Required regulatory program amendments.

Pursuant to 30 CFR 732.17, Virginia is required to submit the following proposed program amendments by the dates specified:

(a) By July 2, 1999, Virginia must submit either a proposed amendment or a description of an amendment to be pro-

posed, together with a timetable for adoption, to revise the Virginia program regulations, or otherwise amend the Virginia program, to be no less effective than the Federal regulations at 30 CFR 800.5(b), and 30 CFR 800.21(b)(2) concerning letters of credit.